S.B.CIVIL SECOND APPEAL NO.115/2002

State of Rajasthan and others.
vs.
Shri Gyaneshwar Hanuman New Temple
Charitable Trust, Delwada and others.

DATE OF JUDGMENT ::: 4.1.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. HR Soni, Addl. GA, for the appellants.

Mr. DLR Vyas, for the respondents.

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Heard learned counsel for the parties.

The trial court decreed the plaintiffs/respondents' suit for permanent injunction after declaring that the way claimed is a public way and restrained the appellants/ defendants from putting any obstruction in the public way.

After going through the facts of the case, I do not find any factual or legal error in the reasons given by the two courts below and particularly, when the learned counsel for the appellants himself admits that the road has already been constructed, therefore, there is no reason for this Court to interfere in the impugned judgments and decrees by which public way has been declared and the appellants have been restrained from putting any obstruction in the way. By

this subsequent development also, the road has been recognised and accepted by the appellants themselves.

In view of the above, I do not find any substantial question of law involved in this appeal, therefore, this appeal deserves to be dismissed, hence, dismissed.

(PRAKASH TATIA), J.

S.Phophaliya